

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN RE: ) NO: 23-42025  
 ) CHAPTER 13  
Charles Ranciglio, ) Hearing Date: 8/3/2023  
 ) Hearing Time: 10:00 a.m.  
Debtor. ) Courtroom: 7 South

TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Comes now Diana S. Daugherty, Standing Chapter 13 Trustee,  
and states as follows:

1. The plan does not satisfy the hypothetical chapter 7  
liquidation requirement of 11 U.S.C. § 1325(a)(4) in that:

a) The plan must guarantee \$30,566.08 to non-priority unsecured  
creditors due to non-exempt equity in Debtor's real property.

[SEE EXHIBIT]

b) Plan paragraph 3.9(A) erroneously states that the § 1325(a)(4)  
calculation is \$0 and it erroneously guarantees \$0 to non-  
priority unsecured creditors.

2. Schedule J must be amended because it omits Debtor's mortgage  
payment.

a) Paragraph 3.3(D) of the plan states that Debtor will pay post-  
petition mortgage payments in the amount of \$1,385/month.

3. Debtor has no disposable income with which to maintain plan  
payments.

a) As filed, schedule J expenses exceed Debtor's net income in  
schedule I by \$208/month.

b) With Debtor's mortgage payment properly added to schedule J, schedule J expenses exceed Debtor's net monthly income \$1,593/month. [Sch I - Sch J = -\$1,593/month]

4. The plan fails to address claim #1 of HUD in the amount of \$8,183.92.

5. The plan is not feasible in that:

a) It will not pay pre-petition mortgage arrears or other secured claims in full.

b) It will not pay Debtors' attorney's fees in full.

C) Based on presently filed claims and scheduled debts, the base of the plan is approximately \$10,260 short of being feasible.

d) The sum of the monthly payments to be paid by the Trustee under the plan exceeds the monthly plan payment.

**WHEREFORE,** the Trustee prays that the Court deny confirmation of Debtor's Chapter 13 Plan; and for such other relief as this Honorable Court deems necessary and just under the circumstances.

Respectfully Submitted,

/s/ Joseph M. Wilson  
Diana S. Daugherty  
Chapter 13 Trustee  
Joseph M. Wilson  
FED#51849MO; MO#51849  
Attorney For Trustee  
P.O. Box 430908  
St. Louis, MO 63143  
(314) 781-8100

(314) 781-8881 (fax)  
E-Mail: trust33@ch13stl.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above Trustee's Objection was filed electronically with the United States Bankruptcy Court on the 20th day of July, 2023, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

The undersigned hereby certifies that the above Trustee's Objection was filed electronically with the United States Bankruptcy Court and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below, on the 20th day of July, 2023:

Charles Ranciglio  
210 Discovery Village Circle  
Wentzville, MO 63385

/s/ Joseph M. Wilson